

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET



The following constitutes the ruling of the court and has the force and effect therein described.

[Signature]

United States Bankruptcy Judge

Signed July 05, 2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

IN RE:

AMERICAN HOUSING FOUNDATION,

Debtor.

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Case No. 09-20232-RLJ-11

WALTER O'CHESKEY, Chapter 11 Trustee,

Plaintiff,

v.

ROBERT L. TEMPLETON,

Defendant.

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Adversary No. 10-02016

WALTER O'CHESKEY, Chapter 11 Trustee,

Plaintiff,

v.

DAVID MILLER,

Defendant.

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Adversary No. 10-02017

ORDER

The Court considers (1) the *Defendants' Motion for Continuance and Second Amended Scheduling Order* [Doc #97] (Defendants' Motion) filed by Defendants Robert L. Templeton (Templeton) and David Miller (Miller) (collectively, Defendants), and (2) the *Trustee's* [Plaintiff's] *Motion to Enforce Court Orders and Rulings* [Doc #95] (Trustee's Motion) filed by Plaintiff Walter O'Cheskey, Trustee of the AHF Liquidating Trust (Plaintiff or Trustee). The Court notes that the Defendants and the Trustee have also each filed their respective motions requesting an expedited hearing on the two matters under consideration [Doc #96 as to Plaintiff; Doc #98 as to Defendants].

The Court has carefully considered such pleadings and the requests made therein, the attachments thereto, and the docket of this adversary proceeding. **The Court hereby orders as follows:**

- (1) The Defendants' requests by Defendants' Motion that the September 14, 2011 trial date be continued and that a new scheduling order be entered that conforms with a new beginning trial date of October 17, 2011 are denied.
- (2) The Trustee's requests by Trustee's Motion are granted in the following respects:
 - (a) Defendants Templeton and Miller shall, by 4:00 p.m. on July 8, 2011, produce their tax returns and tax-related documents (and any other documents requested by the Trustee's pending Requests for Production) in the manner and at the place identified by the Trustee's Requests for Production and subject only to the Protective Order signed November 24, 2010.

- (b) The Trustee shall, by notices of deposition served electronically on counsel by July 8, 2011, designate a date no later than July 28, 2011, for the depositions of Templeton and Miller, respectively; each deposition shall take place at a location in Amarillo, Texas, designated by the Trustee.
 - (c) Defendants Templeton and Miller shall appear for their respective depositions on the date and at the time and location designated by the Trustee.
 - (d) The Trustee shall, by notice of deposition served electronically on counsel by July 8, 2011, designate a date no later than July 28, 2011, for the deposition of the Defendants' previously designated expert, such deposition to take place at a location in either Amarillo, Texas or Dallas, Texas, designated by the Trustee.
 - (e) Defendants shall produce their designated expert on the date and at the time and location designated by the Trustee.
- (3) The Trustee's prepared scheduling order is approved in accordance with the form attached to the Trustee's Motion, with the following changes: an added July 19, 2011 deadline for Expert Witness Designations and Reports; September 1, 2011 shall be the deadline for Daubert Motions. The Trustee is directed to submit a Second Amended Scheduling Order with such changes and without designating it is an agreed order.
- (4) Any agreement of the parties that alters or modifies the terms of this order must be approved by the Court.

(5) All other relief is denied. The parties' requests for expedited hearings are denied as moot.

The Court will consider appropriate sanctions and/or forms of contempt as a means to enforce the terms of this order and any other order of this Court that touches on the subject matter.

End of Order